

CITY OF ALAMEDA

Memorandum

To: Honorable Mayor and
Members of the City Council

From: John A. Russo
City Manager

Date: November 1, 2011

Re: Adopt a Resolution Authorizing the City Manager to Submit an Application to the Metropolitan Transportation Commission for the Allocation of \$2.5 Million in Funding from the 2012 Regional Transportation Improvement Program for the Broadway/Jackson Project and to Execute all Necessary Documents

BACKGROUND

The Metropolitan Transportation Commission (MTC) administers funding for Regional Transportation Improvement Program (RTIP) eligible projects. After projects are selected by RTIP, they are submitted by the Alameda County Transportation Commission (Alameda CTC) to be included in the State Transportation Improvement Program (STIP). The City of Alameda received a \$3 million dollar funding allocation from STIP, which was de-obligated in 2008 by the Alameda CTC to address a funding shortfall on another project in Alameda County. At the time of the de-obligation of the funds, Alameda CTC committed to reinstate the STIP funding to the City during a future STIP cycle.

In August 2011, the California Transportation Commission approved an estimated \$29.5 million in RTIP funding for Alameda County jurisdictions. The City submitted an application to reinstate the previously de-obligated funding for the initial phases of project development on the Broadway/Jackson project. Due to limited STIP funding, the Alameda CTC was able to provide \$2.5 million, with a commitment that the remaining \$500,000 would be made available only to the City as a priority in a future STIP cycle. To complete the application process, the MTC has requested a Resolution of Local Support for the partial STIP funding for the Broadway/Jackson project.

DISCUSSION

The Broadway/Jackson project will restore regional access to Interstate 880 that has been restricted since the Loma Prieta earthquake, as well as address access needs for redevelopment of the former Naval Air Station at Alameda Point. The project also involves the construction of a Bus Rapid Transit improvement from Alameda Point to

the 12th Street BART Station, with a goal of providing ten-minute headways. Circulation and access improvements to Oakland Chinatown, Jack London Square, and Alameda, as well as improved connections between I880 and the Posey and Webster Tubes, will result in reduced congestion along local streets in Alameda and Oakland. The project will also implement sustainability principles during the design, construction, and operation phases of the project, thus minimizing environmental impacts.

The Oakland Chinatown community has expressed concerns about some of the conceptual design elements in the project. City staff is working closely with Alameda County Supervisor Wilma Chan to address Oakland Chinatown's concerns relating to traffic circulation. A portion of the current STIP funding request will support the community outreach and engagement process as part of the environmental and design phases.

FINANCIAL IMPACT

The \$2.5 million in STIP funding will be applied towards the initial design and environmental phases of the Broadway/Jackson project. The total project cost is estimated at \$189.3 million and will require additional funding for construction from various local, state, and federal sources. There is no impact to the General Fund.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This action does not affect the Alameda Municipal Code. The project directly supports General Plan Policy 4.1.2.e, "Work with regional, state, and federal agencies to develop plans for design, phasing, funding, and construction of facilities to enhance multimodal cross-estuary travel, such as increased access to Interstate 880 (bridge, tunnel, or other vehicle connection) bike/pedestrian shuttles or high occupancy vehicle-only crossing (e.g. transit or carpool lane) to Oakland."

ENVIRONMENTAL REVIEW

No environmental determination is required by CEQA for the City to submit an application for funding. However, as part of the project's design process, all appropriate environmental review shall be completed.

Honorable Mayor and
Members of the City Council

November 1, 2011
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RECOMMENDATION

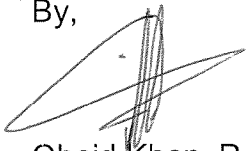
Adopt a resolution authorizing the City Manager to submit an application to MTC for the allocation of \$2.5 million in funding from the 2012 RTIP for the Broadway/Jackson project and to execute all necessary documents.

Respectfully submitted,



for Matthew T. Naclerio
Public Works Director

By,



Obaid Khan, P.E.
Supervising Civil Engineer

Approved as to funds and account,



for Fred Marsh
Controller

cc: Watchdog Committee – James Haussener

CITY OF ALAMEDA RESOLUTION NO. _____

AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE ALLOCATION OF \$2.5 MILLION IN FUNDING FROM THE 2012 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM FOR THE BROADWAY/JACKSON PROJECT AND TO EXECUTE ALL NECESSARY DOCUMENTS

Approved as to Form

City Attorney

WHEREAS, the City of Alameda (herein referred to as "APPLICANT") is submitting an application to the Metropolitan Transportation Commission (MTC) for \$2.5 million in funding from the 2012 Regional Transportation Improvement Program (RTIP) for the Broadway/Jackson project (herein referred to as "PROJECT") for the MTC 2012 RTIP, as authorized by MTC Resolution No. 4028 (herein referred to as "PROGRAM"); and

WHEREAS, Senate Bill (SB) 45 (Chapter 622, Statutes 1997) substantially revised the process for estimating the amount of state and federal funds available for transportation projects in the state and for appropriating and allocating the available funds to these projects; and

WHEREAS, as part of that process, MTC is responsible for programming projects eligible for Regional Improvement Program funds, pursuant to California Government Code Section 14527(b), for inclusion in the RTIP, and submission to the California Transportation Commission, for inclusion in the State Transportation Improvement Program; and

WHEREAS, MTC will review and include, if approved, 2012 RTIP projects in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC has requested eligible transportation project sponsors to submit applications nominating projects to be programmed for Regional Improvement Program funds in the RTIP; and

WHEREAS, applications to MTC must be submitted consistent with procedures, conditions, and forms it provides transportation project sponsors; and

WHEREAS, APPLICANT is a sponsor of transportation projects eligible for Regional Improvement Program funds; and

WHEREAS, the RTIP Project Programming Request (PPR) form of the project application, attached hereto and incorporated herein as though set forth at length, lists the project, purpose, schedule and budget for which APPLICANT

is requesting that MTC program Regional Improvement Program funds for inclusion in the RTIP; and

WHEREAS, Part 2 of the project application, attached hereto and incorporated herein as though set forth at length, includes the certification by APPLICANT of assurances required by SB 45 in order to qualify the project listed in the RTIP project nomination sheet of the project application for programming by MTC; and

WHEREAS, as part of the application for 2012 RTIP funding, MTC requires any resolution adopted by the responsible implementing agency to state that the project will comply with the procedures specified in the "Timely Use of Funds Provisions and Deadlines" (MTC Resolution No. 4028, Attachment 1, Page 14, and as may be further amended).

NOW, THEREFORE, BE IT RESOLVED, that APPLICANT approves the assurances set forth in Part 2 of the project application, attached to this resolution.

BE IT FURTHER RESOLVED, that APPLICANT will comply with the provisions and requirements of the "Timely Use of Funds Provisions and Deadlines" (MTC Resolution No. 4028, Attachment 1, Page 14, and as may be further amended), that PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP, and that APPLICANT and PROJECT will comply with the requirements as set forth in the 2012 RTIP Policies and Procedures (MTC Resolution No. 4028).

BE IT FURTHER RESOLVED, that APPLICANT will comply with the provisions and requirements of the Transit Coordination Implementation Plan, as set forth in MTC Resolution No. 3866.

BE IT FURTHER RESOLVED, that APPLICANT has reviewed the project and has adequate staffing resources to deliver and complete the project within the schedule set forth in the RTIP Project Programming Request (PPR) form of the project application, attached to this resolution.

BE IT FURTHER RESOLVED, that APPLICANT is an eligible sponsor of projects in the State Transportation Improvement Program.

BE IT FURTHER RESOLVED, that APPLICANT is authorized to submit an application for State Transportation Improvement Program funds for PROJECT.

BE IT FURTHER RESOLVED, that APPLICANT has and will retain the expertise and knowledge necessary to deliver STIP and federally-funded

projects, and has assigned a single point of contact for all STIP and FHWA-funded projects to work with the CMA, MTC, and Caltrans on any questions or issues that may arise during the STIP and/or federal programming and delivery process.

BE IT FURTHER RESOLVED, that there is no legal impediment to APPLICANT making applications for Regional Improvement Program funds.

BE IT FURTHER RESOLVED, that there is no pending or threatened litigation which might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT.

BE IT FURTHER RESOLVED, that APPLICANT authorizes its City Manager, or designee to execute and file an application with MTC to program Regional Improvement Program funds into the RTIP, for the projects, purposes and amounts included in the project application attached to this resolution.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the APPLICANT application referenced herein, along with the name and contact information for the APPLICANT's single point of contact.

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RTIP Project Application

Part 1b: Opinion of Legal Counsel

November 1, 2011

To: Metropolitan Transportation Commission
Fr: the City of Alameda
Re: Eligibility for State Transportation Improvement Program (STIP) funds

This communication will serve as the requisite opinion of counsel in connection with the application of the City of Alameda for funding from the State Transportation Improvement Program (STIP) made available pursuant to the State Transportation Funding Plan, Streets and Highways Code Section 163 *et. seq.*

1. The City of Alameda is an eligible sponsor of projects for the STIP.
2. The City of Alameda is authorized to submit an application for STIP funding for Broadway/Jackson Project.
3. I have reviewed the pertinent state laws and I am of the opinion that there is no legal impediment to the City of Alameda making applications for STIP funds. Furthermore, as a result of my examinations, I find that there is no pending or threatened litigation which might in any way adversely affect the proposed projects, or the ability of the City of Alameda to carry out such projects.

Sincerely,

City Attorney

Print name

RTIP Project Application

Part 2: Certification of Assurances

The implementing agency certifies that the project for which Regional Improvement Program funding is requested meets the following project screening Criteria. **Please initial each.**

1. The project is eligible for consideration in the RTIP. Pursuant to Streets and Highways Code Section 164 (e), eligible projects include improving state highways, local roads, public transit, intercity rail, pedestrian, and bicycle facilities, and grade separation, transportation system management, transportation demand management, soundwall projects, intermodal facilities, and safety. _____
2. For the funds requested, no costs have/will be incurred prior to adoption into the STIP by the CTC. _____
3. A Project Study Report (PSR) or PSR equivalent has been prepared for the project. _____
4. The project budget included in Part 2 of the project application reflects current costs updated as of the date of application and escalated to the appropriate year. _____
5. The project is included in a local congestion management program (CMP). (Note: For those counties that have opted out of preparing a CMP in accordance with Government Code Section 65088.3, the project must be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation planning agency.) _____
6. The year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project. _____
7. The project is fully funded. _____
8. For projects with STIP federal funds, the implementing agency agrees to contact Caltrans and schedule and complete a field review within six months of the project being adopted or amended into the TIP. _____
9. For STIP construction funds, the implementing agency agrees to send a copy of the Caltrans LPP 01-06 "Award Information for STIP Projects – Attachment A" to MTC and the CMA, upon award. _____
10. The implementing agency agrees to be available for an audit of STIP funds, if requested. _____

The implementing agency also agrees to abide by all statutes, rules and regulations applying to the State Transportation Improvement Program (STIP), and to follow all requirements associated with the funds programmed to the project in the STIP. _____

These include, but are not limited to:

1. Environmental requirements: NEPA standards and procedures for all projects with Federal funds; CEQA standards and procedures for all projects programmed with State funds.

2. California Transportation Commission (CTC) requirements for transit projects, formerly associated with the Transit Capital Improvement (TCI) program. These include rules governing right-of-way acquisition, hazardous materials testing, and timely use of funds.
3. Federal Transit Administration (FTA) requirements for transit projects as outlined in FTA regulations and circulars.
4. Federal Highway Administration (FHWA) and Caltrans requirements for highway and other roadway projects as outlined in the Caltrans Local Programs Manual.
5. Federal air quality conformity requirements, and local project review requirements, as outlined in the adopted Bay Area Conformity Revision of the State Implementation Plan (SIP).

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 1st day of November, 2011, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSECTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 2nd day of November 2011.

Lara Weisiger, City Clerk
City of Alameda